

**BRENNEKE DECLARATION**  
**EXHIBIT E**

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**From:** Brenneke, Andrea (ATG)  
**To:** "adrienne.scheffey@akerman.com"; ashley.calhoun@akerman.com; christopher.eby@akerman.com;  
colin.barnacle@akerman.com; joan@3brancheslaw.com  
**Cc:** Chien, Marsha (ATG); Polozola, Lane (ATG); whitehead@sgb-law.com; roe@sgb-law.com; berger@sgb-law.com;  
Hall, Caiti (ATG); joe@3brancheslaw.com  
**Subject:** RE: Washington v. The GEO Group, Inc. - post Mandamus financial document production  
**Date:** Tuesday, December 31, 2019 2:57:58 PM

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Dear Adrienne,

Thank you for getting back to us.

The redacted document that we are seeking to have produced, together with all underlying and related documents, was at the center of previous communications with GEO's prior counsel (I will forward a related email shortly). It was produced by Washington as WA00027027.

Andrea Brenneke  
Assistant Attorney General  
Civil Rights Unit  
Washington State Attorney General  
800 Fifth Avenue, Suite 2000  
Seattle, Washington 98104  
Direct: (206) 233-3384  
Fax: (206) 464-6451  
[Andrea.Brenneke@atg.wa.gov](mailto:Andrea.Brenneke@atg.wa.gov)

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**From:** adrienne.scheffey@akerman.com <adrienne.scheffey@akerman.com>  
**Sent:** Tuesday, December 31, 2019 1:50 PM  
**To:** Brenneke, Andrea (ATG) <andrea.brenneke@atg.wa.gov>; ashley.calhoun@akerman.com;  
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<Lane.Polozola@ATG.WA.GOV>; whitehead@sgb-law.com; roe@sgb-law.com; berger@sgb-  
law.com; Hall, Caiti (ATG) <Caiti.Hall@atg.wa.gov>; joe@3brancheslaw.com  
**Subject:** RE: Washington v. The GEO Group, Inc. - post Mandamus financial document production

Andrea,

Thank you for following-up. Please see the attached correspondence and let us know if you believe an additional call is necessary.

Happy New Year!

**Adrienne Scheffey**

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Profile

Akerman Logo



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**From:** Brenneke, Andrea (ATG) <[andrea.brenneke@atg.wa.gov](mailto:andrea.brenneke@atg.wa.gov)>

**Sent:** Tuesday, December 31, 2019 2:15 PM

**To:** Calhoun, Ashley (Assoc-Den) <[ashley.calhoun@akerman.com](mailto:ashley.calhoun@akerman.com)>; Eby, Christopher (Ptnr-Den) <[christopher.eby@akerman.com](mailto:christopher.eby@akerman.com)>; Barnacle, Colin (Ptnr-Den) <[colin.barnacle@akerman.com](mailto:colin.barnacle@akerman.com)>; Scheffey, Adrienne (Assoc-Den) <[adrienne.scheffey@akerman.com](mailto:adrienne.scheffey@akerman.com)>; III Branches Law <[joan@3brancheslaw.com](mailto:joan@3brancheslaw.com)>

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**Subject:** RE: Washington v. The GEO Group, Inc. - post Mandamus financial document production

Dear Counsel,

We have not had a response to our December 13, 2019 letter regarding the post Mandamus financial document production. Nor have we received the additional documents. What is the status?

We are available for a meet and confer on the afternoon of Monday January 6 or on Tuesday January 7<sup>th</sup> (morning or afternoon).

We will need to raise any unresolved issues with the Court on Friday, January 10<sup>th</sup> at our pretrial conference and hope to work things out before then.

Very truly yours,

Andrea Brenneke  
Assistant Attorney General  
Civil Rights Unit  
Washington State Attorney General  
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Seattle, Washington 98104

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**From:** Brenneke, Andrea (ATG)  
**Sent:** Friday, December 13, 2019 5:28 PM  
**To:** 'ashley.calhoun@akerman.com' <[ashley.calhoun@akerman.com](mailto:ashley.calhoun@akerman.com)>;  
'christopher.eby@akerman.com' <[christopher.eby@akerman.com](mailto:christopher.eby@akerman.com)>; 'colin.barnacle@akerman.com'  
<[colin.barnacle@akerman.com](mailto:colin.barnacle@akerman.com)>; 'adrienne.scheffey@akerman.com'  
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<[Caiti.Hall@atg.wa.gov](mailto:Caiti.Hall@atg.wa.gov)>; Joe Fonseca <[joe@3brancheslaw.com](mailto:joe@3brancheslaw.com)>  
**Subject:** Washington v. The GEO Group, Inc. - post Mandamus financial document production

Dear Counsel,

Attached is a letter regarding GEO's post-Mandamus financial document production that requires attention and response.

<< File: 2019-12-13 Letter re GEO's Production 17.pdf >>

Thank you!

Andrea Brenneke  
Assistant Attorney General  
Civil Rights Unit  
Washington State Attorney General  
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**From:** Brenneke, Andrea (ATG)  
**To:** "adrienne.scheffey@akerman.com"; ashley.calhoun@akerman.com; christopher.eby@akerman.com;  
colin.barnacle@akerman.com; joan@3brancheslaw.com  
**Cc:** Chien, Marsha (ATG); Polozola, Lane (ATG); whitehead@sgb-law.com; roe@sgb-law.com; berger@sgb-law.com;  
Hall, Caiti (ATG); joe@3brancheslaw.com  
**Subject:** FW: Washington v. NWDC - Missing Docs  
**Date:** Tuesday, December 31, 2019 3:16:28 PM  
**Attachments:** Scan-06042019032108.pdf

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Dear Adrienne,

Here is the prior communication I was referencing.

This particular exchange occurred prior to Washington's win in the 9<sup>th</sup> Circuit and the denial of the Writ of Mandamus, which resulted in the requirement that GEO produce all financial records related to the VWP at the NWDC pursuant to ECF 133. In addition to what Marsha cited, the document we are requesting includes calculations and requests for equitable adjustment/reimbursement/renegotiation of the terms of the contract that make it responsive to at least all of the following RFPs:

REQUEST FOR PRODUCTION NO. 40: To the extent not previously produced, and to the extent

they exist, please produce the NWDC's financial statements, Profit and Loss statements, and budget,

and budget to actual analysis on a quarterly or annual basis from 2005 to present, including all

*documents that set forth the detailed operating costs of the facility, Voluntary Work Program costs,*

*labor costs, and payroll expenses as well as all details of revenue, contract payments and*

*reimbursements for the NWDC.*

REQUEST FOR PRODUCTION NO. 43: To the extent not previously produced, and to the extent

they exist, please produce all documents that contain *financial analysis, financial models, analysis of*

*profits earned, valuation of the work performed, or other assessments of the Voluntary Work*

*Program at the NWDC from 2005 to present.*

REQUEST FOR PRODUCTION NO. 51: Please produce all documents, to the extent they exist,

containing financial performance analyses, financial models, or other financial evaluations prepared

in connection with or for the purpose of GEO Group's offer(s) and bid(s), *and negotiations related to*

*amendment(s)* and renewal(s), of contracts related to the NWDC from 2005 - present.

All the best,

Andrea Brenneke

Assistant Attorney General

Civil Rights Unit

Washington State Attorney General

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**From:** Chien, Marsha (ATG)

**Sent:** Wednesday, June 05, 2019 8:59 AM

**To:** shannon.armstrong@hklaw.com

**Cc:** Polozola, Lane (ATG) <Lane.Polozola@ATG.WA.GOV>; Baker, La Rond (ATG) <clarond.baker@atg.wa.gov>; Brenneke, Andrea (ATG) <andrea.brenneke@atg.wa.gov>; matt.donohue@hklaw.com; Whitehead, Jamal <whitehead@sgb-law.com>; kristin.asai@hklaw.com; Devin Theriot-Orr <devin@sunbird.law>; Andrew Free (andrew@immigrantcivilrights.com) <andrew@immigrantcivilrights.com>

**Subject:** Washington v. NWDC - Missing Docs

Shannon,

I am writing to express concern that GEO's response to the State's discovery requests is not complete. We recently received the attached document, which appears to be part of GEO's request to ICE for an equitable adjustment. It was obtained from ICE in response to a FOIA request.

The document is squarely responsive to RFP No. 12, which requested all communications about the VWP with ICE. As such, we request that GEO provide the complete, unredacted

document as well as any related communications with ICE. If any privileges apply, please specify them.

Kind Regards,

Marsha

**Marsha Chien**

Assistant Attorney General

Washington Attorney General's Office - Civil Rights Division

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